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Rules, Regulations, Orders

TITLE 8—ALIENS AND CITIZENSHIP IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-1]

PORT OF ENTRY FOR ALIENS

FORTUNA, NORTH DAKOTA

JULY 7, 1938.

Pursuant to the authority contained in Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; 8 U. S. C. 102), Fortuna, North Dakota, is hereby designated as a port for the entry of aliens into the United States.

Sec. 11.31, Title 8, Code of Federal Regulations (Rule 3, Subdivision A, Paragraph 1 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended by inserting Fortuna, North Dakota, between Dunseith and Hannah, North Dakota, in the list of ports of entry for aliens in District No. 13.

[SEAL] EDW. J. SHAUGHNESSY,
Deputy Commissioner of Immigration and Naturalization.

Approved.

C. V. McLAUGHLIN,
Acting Secretary.

[F. R. Doc. 38-1946; Filed, July 8, 1938; 11:57 a. m.]

[General Order No. C-2]

PORTS OF ENTRY FOR ALIENS ARRIVING BY AIRCRAFT

SCOBEEY AIRPORT, SCOBEEY, MONTANA AND FORT YUKON AIRFIELD, FORT YUKON, ALASKA

JULY 7, 1938.

Pursuant to the authority contained in Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; 49 U. S. C. 177 (d)), Fort Yukon Airfield, Fort Yukon, Alaska is hereby designated as a temporary port for the entry into the United States of

aliens arriving by aircraft. The designation of Scobey Airport, Scobey, Montana as a temporary port for the entry into the United States of aliens arriving by aircraft is hereby discontinued.

Sec. 11.33, Title 8, Code of Federal Regulations (Rule 3, Subdivision A, Paragraph 3 (b) of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended as follows:

By inserting Fort Yukon, Alaska, Fort Yukon Airfield, between Fairbanks, Alaska, Weeks Municipal Airfield and Great Falls, Montana, Great Falls Airport in the list of temporary ports of entry for aliens arriving by aircraft.

By striking Scobey, Montana, Scobey Airport from the list of temporary ports of entry for aliens arriving by aircraft.

[SEAL] EDW. J. SHAUGHNESSY,
Deputy Commissioner of Immigration and Naturalization.

Approval Recommended.

C. V. McLAUGHLIN,
Acting Secretary.

[F. R. Doc. 38-1947; Filed, July 8, 1938; 11:57 a. m.]

[General Order No. C-3]

DOCUMENTS REQUIRED OF ALIENS ENTERING THE UNITED STATES

JULY 7, 1938.

Pursuant to the authority contained in Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166, 8 U. S. C. 222), and Executive Order No. 7865, dated April 12, 1938, 3 F. R. 885 (DI), the following rules and regulations are prescribed for enforcement of the immigration laws:

Sec. 11.41, Title 8, Code of Federal Regulations (Rule 3, Subdivision F, Paragraph 1 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended to read as follows:

Sec. 11.41 (a). *Necessity for immigration and passport visas; inadmissibility in absence thereof; exceptions.*—No immigrant, whether a quota immigrant or

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a nonquota immigrant, of any nationality shall be admitted to the United States unless such immigrant shall present to the proper immigration official at the port of arrival an unexpired passport or official document in the nature of a passport issued by the government of the country to which he owes allegiance, or other travel document showing his origin and identity, and an immigration visa duly issued and authenticated by a consular officer, except in the following cases: (*; sec. 13, 43 Stat. 161, 8 U. S. C. 213 (a), E. O. 7865 April 12, 1938, 3 F. R. 885 (DI)).

(1) *Child born after issuance of visa to parent.*—An alien immigrant child born subsequent to the issuance of the immigration visa of an accompanying parent, the visa not having expired; (*; sec. 13, 43 Stat. 161, 8 U. S. C. 213 (a), E. O. 7865 April 12, 1938, 3 F. R. 885 (DI)).

(2) *Child born to alien mother visiting abroad.*—An alien immigrant child born during the temporary visit abroad of an alien mother who has previously been legally admitted into the United States for permanent residence, provided the child is accompanying a parent to the United States upon the first return of the parent to the United States and applies for admission into the United States within a period of two years after the date of birth. The case of an alien child of tender age which does not come precisely within the terms of these conditions, may be referred to the Central Office for determination as to whether it comes within the provisions of Section 13 (a) of the Immigration Act of 1924; (*; sec. 13, 43 Stat. 161, 8 U. S. C. 213 (a), E. O. 7865, April 12, 1938, 3 F. R. 885 (DI)).

(3) *Lawful resident of United States visiting nearby countries.*—An alien immigrant who has previously been legally admitted into the United States for permanent residence, has departed temporarily therefrom, and returned within six months, not having proceeded to any place outside Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, the Panama Canal Zone, Bermuda, or the British, French, or Netherlands possessions in the West Indies; (*; sec. 13, 43 Stat. 161, 8 U. S. C. 213 (b), E. O. 7865 April 12, 1938, 3 F. R. 885 (DI)).

(4) *Lawful resident of United States returning from cruise.*—An alien immigrant who has previously been legally admitted into the United States for permanent residence, reentering from a journey beginning in an American port, without transshipment from the original vessel to another vessel. This provision allows a lawfully admitted immigrant to reenter the United States without a passport or visa from a journey which is not a round-trip as, for example, from a journey which begins at New York and ends at San Francisco with the vessel touching at Central or South American

ports en route; (*; sec. 13, 43 Stat. 161, 8 U. S. C. 213 (b), E. O. 7865 April 12, 1938, 3 F. R. 885 (DI)).

(5) *Lawful resident of United States presenting reentry permit.*—An alien immigrant who has previously been legally admitted into the United States for permanent residence, has departed therefrom and is returning from a temporary visit abroad, and who holds an unexpired permit to reenter issued pursuant to Section 10 of the Immigration Act of 1924. The alien must present the permit to the appropriate immigration officer at the port of arrival; (*; sec. 13, 43 Stat. 161, 8 U. S. C. 213 (b), E. O. 7865 April 12, 1938, 3 F. R. 885 (DI)).

(6) *Philippine citizens; reentry into Hawaii without visa or permit.*—Philippine citizens, upon returning from a temporary visit to any foreign country, or the Philippine Islands, may be readmitted into Hawaii without an immigration visa or reentry permit upon establishing that their residence in Hawaii began prior to May 1, 1934, that their absence from the Territory was temporary and that they are otherwise admissible under the immigration laws; (*; sec. 8, 48 Stat. 462, 48 U. S. C. 1238).

(7) *Philippine citizens; reentry into United States without visa or permit.*—Philippine citizens, upon returning from a temporary visit to any foreign country, or the Philippine Islands, may be readmitted into the United States (including Hawaii) without an immigration visa or a reentry permit upon establishing that their residence in the United States, except the Territory of Hawaii, began prior to May 1, 1934, that their absence from the United States was temporary, and that they are otherwise admissible under the immigration laws; (*; sec. 8, 48 Stat. 462, 48 U. S. C. 1238).

(8) *Residents of Hawaii; reentry thereto from Guam or Wake Islands without documents.*—An alien who establishes that he has been previously lawfully admitted into the Territory of Hawaii for permanent residence and is returning from a temporary visit of not more than six months to Guam or Wake Islands, not having proceeded to any place outside of those insular possessions, shall be permitted to reenter the Territory of Hawaii without a passport, immigration visa, or permit to reenter. (*; sec. 13, 43 Stat. 161, 8 U. S. C. 213 (b)).

(b) *Student visiting nearby countries.*—An alien who has previously been legally admitted into the United States as a nonquota immigrant student, has departed therefrom and is returning within six months, not having proceeded to any place outside Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, the Panama Canal Zone, Bermuda, or the British, French, or Netherlands possessions in the West Indies, and not having relinquished his student status

may reenter without an immigration visa. A valid passport or other travel document, however, is required of such alien students. (*; E. O. 7865 April 12, 1938, 3 F. R. 885 (DI).)

(c) *Spanish national; entry into Puerto Rico for permanent residence; passport visa sufficient.*—A Spanish national who on April 11, 1899 (whether adult or minor) was a bona fide resident of Puerto Rico or adjacent islands which comprised the Province of Puerto Rico, and who, in conformity with article IX of the Treaty between the United States and Spain of April 11, 1899, has preserved his allegiance to Spain, may present a passport visa, in lieu of an immigration visa, for entry into Puerto Rico for permanent residence. The act of May 26, 1926 named in this paragraph, provides that such aliens may be admitted into Puerto Rico without regard to the provisions of the Immigration Act of 1924, except section 23 thereof. Passport visas issued to such aliens will bear the following notation: "Visa issued to Spanish citizens under provisions of act of May 26, 1926." If such aliens travel by a mainland port, the visa will bear the notation: "Via (name of port)." For statistical purposes there will be entered in the space provided in the manifest for noting the date, place, issue, and number of immigration visa a notation reading as follows: "Admitted under act of May 26, 1926." (*; 44 Stat. 657, 8 U. S. C. 231, E. O. 7865 April 12, 1938, 3 F. R. 885 (DI).)

(d) *Waiver of passport requirements for immigrants citizens of nearby countries.*—An immigrant who is a citizen of Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, Bermuda, or any British, French, or Netherlands possession in the West Indies, domiciled therein, or who is a British subject domiciled in Canada, Newfoundland, Bermuda, or any British possession in the West Indies, or who is a French citizen domiciled in St. Pierre, Miquelon, or any French possession in the West Indies, or who is a Netherlands subject domiciled in any Netherlands possession in the West Indies, need not be in possession of a valid passport or other document issued in lieu thereof. (*; E. O. 7865 April 12, 1938, 3 F. R. 885 (DI), Department of State Circular to all American diplomatic or consular officers of June 9, 1938.)

Sec. 11.42 (a), Title 8, Code of Federal Regulations (Rule 3, Subdivision F, Paragraph 2 (a) of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended to read as follows:

Sec. 11.42 (a) *Through passengers on vessels touching United States ports.*—A nonimmigrant alien who is a passenger on a vessel entering a port of the United States, landing temporarily while the vessel is in port. This provision covers the case of an alien who is on a round-trip cruise from a foreign port to a port of the United States as, for example, a

vessel sailing from Liverpool to New York and returning to Liverpool. An alien destined to a foreign port beyond the United States on a vessel which may touch at a United States port while en route to such foreign destination is also covered by this provision. An alien who embarks on a cruise ship returning to the United States where the cruise ends but who continues with the same ship to a foreign port likewise is within this paragraph. Cases of this kind shall be handled in the manner provided by sec. 11.65. (*; E. O. 7865 April 12, 1938, 3 F. R. 885 (DI).)

Sec. 11.65, Title 8, Code of Federal Regulations (Rule 3, Subdivision H, Paragraph 8 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended to read as follows:

Sec. 11.65. *Through passengers on vessels touching United States ports; when and manner of landing; liability of vessels, etc.*—Aliens who are through passengers on vessels touching at ports of the United States may land temporarily therefrom without visaed passports for the limited period of time during which the vessel is in port when the examining officer is satisfied they will depart on the vessel on the same voyage. In every case the alien shall be informed that he is permitted to land temporarily on that condition. When the examining officer is not so satisfied he shall notify the master in writing that landing privilege is denied the alien and inform the master of the requirements and fine provisions of section 10 of the Immigration Act of 1917 as amended by section 27 of the Immigration Act of 1924. Aliens seeking landing with the intention of remaining beyond the period for which the vessel is to be in port must present visaed passports, if required generally of aliens applying for temporary admission. Liability to fines for bringing to any seaport of the United States aliens seeking admission to proceed directly or by way of any other United States port or ports to a foreign port who upon arrival at any such United States seaport are found to be under certain disabilities described in section 9 of the Immigration Act of February 5, 1917, as amended, is covered by sec. 11.273. (*; sec. 15, 43 Stat. 162, 47 Stat. 524, 8 U. S. C. 215.)

[SEAL] EDW. J. SHAUGHNESSY,
Deputy Commissioner of Immigration and Naturalization.

Approved.

C. V. McLAUGHLIN,
Acting Secretary.

[F. R. Doc. 38-1948; Filed, July 8, 1938;
11:57 a. m.]

TITLE 16—COMPETITIVE PRACTICES FEDERAL TRADE COMMISSION United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 30th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3243]

IN THE MATTER OF THE ETA COMPANY, INC., A CORPORATION, AND WILLIS G. SHEEMAN, AN INDIVIDUAL

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answer thereto and the stipulation as to the facts entered into between W. T. Kelley, Chief Counsel of the Commission, and Ray E. Lane, Counsel for respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, The Eta Company, Inc., its officers, representatives, agents and employees, and Willis G. Sheeman, an individual, his representatives, agents and employees, in connection with the offering for sale, sale and distribution of so-called food products, now designated and described generally as "Eta Concentrated Foods", or any other so-called food products containing substantially the same ingredients or possessing substantially the same properties under whatever name sold, or in connection with the offering for sale, sale and distribution of the books or pamphlets now known as, and sold under the name of, "Mastery of Success" and "Brain Power Supreme", under whatever name sold, in interstate commerce or in the District of Columbia, do forthwith cease and desist from directly or indirectly representing:

1. That said "Eta Concentrated Foods" have any curative, remedial or therapeutic value or are in any way beneficial in the treatment of any of the ailments, diseases or conditions hereinafter named.

2. That any of said "Eta Concentrated Foods" contain sufficient minerals when taken in the dosage directed by the respondents, to remedy or correct any mineral deficiency in the diet.

3. That the "Eta Concentrated Food" sold under the name of "Eta Food Sodium" will improve digestion, prevent fermentation of food, increase will power, eliminate carbon dioxide, remove acid and waste, "alkalinize nerves and clear the brain", and that a lack of "Food Sodium" will cause acidity, serious stomach disorders, rheumatic ailments and the formation of acid in the nerves and brain.

4. That the "Eta Concentrated Food" sold under the name of "Eta Food Potassium" will build and reconstruct muscles, make motor nerves function properly, help to assimilate fat, gain weight, multiply body cells, cause the growth of muscles and tissues, alkalize the blood, increase power of resistance, increase pep, courage and magnetism, and that a

lack of "Food Potassium" in the diet will cause fermentation of food, neuralgia, insomnia, water to form in the tissues, swollen ankles, moroseness, lack of ambition, hallucinations, a feeling of bruised muscles and weak and sagging ligaments.

5. That the "Eta Concentrated Food" sold under the name of "Eta Food Magnesium" will convert acid into a neutral salt, calm the nerves, stimulate bowel action, aid in increasing weight, prevent acid stomach, catarrhal discharges, overheated blood, dry and torpid bowels, fainting spells, jerky nerves, backache, stringy-mucus, greasy hair, acne pimples, itching blisters, noxious acids, gases and toxins, soothe the sexual instinct and promote sleep.

6. That the "Eta Concentrated Food" sold under the name of "Eta Food Iron" will prevent trembling spells, shooting pains, disturbed blood pressure, will renew strength, cause a youthful appearance, increase popularity and fascination of women, make men strong and courageous, and promote enthusiasm and cheerfulness.

7. That the "Eta Concentrated Food" sold under the name of "Eta Food Chlorin" will promote the elimination of water from the body, remove impurities, germs and pus, make tissues dense and elastic, exclude water, fat and carbohydrates from tissues and increase the strength of the voice, and that a lack of "Food Chlorin" in the diet will cause puffiness under the eyes, between finger joints and around the ankles, skin to become dull and red, and white spots to appear on the skin, dry throats, nervousness, heart trouble, noises in the ear, pale skin and a heavy tongue and limbs.

8. That the "Eta Concentrated Food" sold under the name of "Eta Food Phosphorous" will improve nutrition of nerves and tissues, strengthen bones and teeth and increase red corpuscles, and that a lack of "Food Phosphorous" will destroy self-confidence, lead to sterility, neuralgia and pus formation, cause children to be dumb and prevent them from controlling their fingers, cause irritation of nerves, lack of will power, destroy the ability to concentrate, destroy the appetite, cause nervousness, morbidity, pallid faces, waxy skin, night sweats and twitching in the muscles of the eyelids.

9. That the "Eta Concentrated Food" sold under the name of "Eta Food Silicon" will make the blood warmer, muscles firmer, increase growth of hair, prevent ovarian and menstrual trouble, increase endurance of elderly people, improve eyesight, hair and complexion, free the nasal canals permitting discharge of phlegm and mucus, and cause catarrh, headaches and disturbance of the brain, and colds, to disappear.

10. That the "Eta Concentrated Food" sold under the name of "Eta Food Fluorin" will provide material for feeding teeth enamel, work against tubercular, syphilitic and vaccine pus formation, prevent spinal diseases and brain trouble,

and that a lack of "Food Fluorin" in the diet will cause head, neck, skin and the lower abdomen to become puffed and swollen, the gums to become loose, tender and spongy, development of ailments of the nails and eyelashes, brown and yellow spots to appear on the skin, and the eyesight to become poor and large veins to appear.

11. That the "Eta Concentrated Food" sold under the name of "Eta Food Sulphur" will prevent jerky nerves, fitful moods, fussy notions, panting for air in warm rooms, tired eyelids, flushes of heat, sudden indigestion, lame fingers, partial closure of the throat, tension in the neck with restlessness and headache, and dryness of the skin, and that by the use of "Food Sulphur" there will be maintained a more uniform temperature in the nerves, the brain centers, the sexual nerves, nerves of the kidneys, liver and optic centers, the lymph, the cerebrospinal fluid and the neurolin in nerve and brain matter.

12. That the "Eta Concentrated Food" sold under the name of "Eta Food Calcium" will improve the nerves, prevent tooth decay, has a beneficial effect upon ulcers, infection, eczema and psoriasis skin diseases, and that a lack of "Food Calcium" will cause brain softening, running ears and pasty complexions.

13. That the "Eta Concentrated Food" sold under the name of "Eta Food Iodin" will neutralize toxins, cause skin eruptions, pimples, sores, ulcers and unsightly blemishes to clear up quickly, disintegrate fat, reduce bodily weight, preserve the tint of nails, complexion, hair, beauty of the eyes, eyelashes and brows, strengthen nerves, make the mind more alert, and that the users of "Food Iodin" will never suffer from goiter, scrofula, nervous ailments, defective bone metabolism, and blood and skin diseases.

14. That the "Eta Concentrated Food" sold under the name of "Eta Food Manganese" possesses antiseptic and germicidal properties, that it will counteract body acids and toxic products, increase power of body purification, hinder the development of cancerous growths in the membranes, linings and organs, toughen and harden the linings of the heart, bones cranium, membranes surrounding the viscera, the abdominal cavity and joint structures, and that a lack of "Food Manganese" will cause the linings of the human structures and conductors to become thin and lose their ductility, the organs, vessels and their nerves to suffer, cause a state of fever in the nerves, result in congested headaches, chronic neuralgia, nerve cramps, shrunken facial tissues, terrific cramps before menstruation, shrinkage of the brain, lack of ability to concentrate, absentmindedness and optical illusions.

15. That the "Eta Concentrated Food" sold under the name of "Eta Food Lax" corrects constipation, is one of the surest, safest and most effective means of flushing the intestinal tract of impurities, strengthening the intestinal muscles, will

give new power to and tone up the entire eliminative system.

16. That the "Eta Concentrated Food" sold under the name of "Eta Food No. 26" nourishes and builds up eye structure and possesses the positive power to improve eyesight, will enable one to "lay off" glasses for good, and the use of this product and certain exercises, distributed in connection with the sale thereof, will restore the natural shape of the eyeball.

17. That the "Eta Concentrated Foods" sold under the names of "Eta Food #2", "Eta Food #3", "Eta Food Male", and "Eta Food Female" will give food elements to the cell structures and give strength to the functions of generation, and that the said preparations will be of benefit in cases of sexual debility.

18. That respondents' books or pamphlets known as "Mastery of Success" and "Brain Power Supreme" will enable persons to shape their own destiny and make a complete and satisfying success of their lives, or will assure anyone of immediate physical, mental and financial success, unattainable without these books or pamphlets; or that these books or pamphlets will enable anyone to overcome all obstacles which retard success, and prevent or cure bodily ailments and diseases regardless of their cause and nature.

19. That the prices at which said books or pamphlets "Mastery of Success" and "Brain Power Supreme" are offered for sale and sold are special, when in fact the prices at which said books or pamphlets are offered for sale and sold are the usual and customary prices therefor.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1939; Filed, July 7, 1938;
1:28 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 5th day of July, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[File No. 21-327]

IN THE MATTER OF TRADE PRACTICE RULES
FOR THE MACARONI, NOODLES, AND RE-
LATED PRODUCTS INDUSTRY

PROMULGATION

Due proceedings having been had under the trade practice conference pro-

cedure in pursuance of the Act, of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I which have been approved by the Commission in this proceeding be promulgated July 7, 1938.

TRADE PRACTICE RULES

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

Group I

Unfair trade practices which are embraced in Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission as construed in the decisions of the Commission or the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use of such unlawful practices in or directly affecting interstate commerce.

RULE 1. Misrepresentation of industry products.—The practice of selling, advertising, describing, branding, marking, labeling, or packing macaroni, noodles, or related products, or any simulation or imitation thereof, in a manner which is calculated to mislead or deceive, or has the tendency and capacity or effect of misleading or deceiving, purchasers, prospective purchasers or the consuming public with respect to the grade, quality, quantity, substance, character, nature, origin, size, material, content, composition, coloring, preparation, or manufacture of such products, or in any other material respect, is an unfair trade practice.

RULE 2. Specifications—Macaroni and noodle products.—For the purpose of and as used in these rules:

(a) *Macaroni* is understood to be the shaped and dried doughs prepared by adding water to one or more of the following: semolina, farina, wheat flour. It may contain added salt. In the finished product the moisture content does not exceed 13 percent. Various shapes of macaroni are known under distinguishing names, such as spaghetti, vermicelli, etc.

(b) *Egg Macaroni* is understood to be the shaped and dried doughs prepared by adding eggs and water, with or without salt, to one or more of the following: semolina, farina, wheat flour. The egg ingredient may be whole egg and/or egg yolk. In the finished product the moisture content does not exceed 13 percent and the egg-solids content upon the

moisture-free basis is not less than 5.5 percent.

(c) *Noodles, Egg Noodles* are understood to be the shaped and dried doughs prepared from semolina, farina, or wheat flour and eggs, with or without water, and with or without salt. The egg ingredient may be whole egg and/or egg yolk. In the finished product the moisture content does not exceed 13 percent and the egg-solids content upon the moisture-free basis is not less than 5.5 percent. Noodles are commonly ribbon-shaped.

(d) *Plain Noodles* are understood to be the shaped and dried doughs prepared from semolina, farina, or wheat flour and water, with or without salt. In the finished product the moisture content does not exceed 13 percent. Plain noodles are commonly ribbon-shaped.

RULE 3. Misuse of words "macaroni," "spaghetti," "vermicelli," "egg-macaroni," "noodles," "egg noodles," "plain noodles," etc.—It is an unfair trade practice to sell, offer for sale, advertise, describe, brand, label, or otherwise represent, directly or indirectly, any product as being macaroni, spaghetti, vermicelli, egg macaroni, noodles, egg noodles, plain noodles, or other similar macaroni or noodle product, when such product does not conform to the specifications hereinbefore set forth in Rule 2.

RULE 4. Misrepresentation of semolina or farina products.—It is an unfair trade practice to sell, offer for sale, advertise, describe, brand, label, or otherwise represent any macaroni or noodle product as being a semolina or farina product when such is not true in fact.

RULE 5. Misrepresentation as to egg content of product.—It is an unfair trade practice to sell, offer for sale, advertise, describe, brand, label, or otherwise represent, directly or indirectly, any product as being egg macaroni, noodles, or egg noodles when such is not true in fact, or when such product does not actually contain egg in sufficient proportion to meet the specifications hereinbefore set forth in Rule 2.

RULE 6. Use of deceptive coloring or deceptive containers.—It is an unfair trade practice to use yellow coloring in, or yellow transparent containers for, any macaroni, noodle, or related product, in such manner as deceptively to import or imply to purchasers, prospective purchasers or the consuming public that such product contains egg in greater proportion than is in fact present, or in such manner as to mislead or deceive in any other respect.

RULE 7. Deception as to additional food ingredients.—(a) In case additional food ingredients, not including those specified under Rule 2, are used in macaroni, noodles, or related products, full and non-deceptive disclosure of such fact should be made; and it is an unfair trade practice to conceal, or fail or refuse to disclose, or to misrepresent, directly or indirectly, the proportion of such food ingredients present in said macaroni,

noodles, or related products, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public.

(b) It is an unfair trade practice to advertise, describe, brand, label, or otherwise represent any product of the industry as containing a food ingredient when such food ingredient is not present at all or when such food ingredient is not present in substantial and characterizing amounts, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public.

(c) Nothing in these rules shall be construed as authorizing or permitting the use of any food ingredient contributing a yellow color for the purpose or with the effect of misleading or deceiving the purchasing public.

RULE 8. Deceptive depictions.—The use of photographs, cuts, engravings, illustrations, or pictorial or other depictions or devices of industry products in catalogs, sales literature, or advertisements, or on packages or containers, or otherwise, in such manner as to have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public as to the grade, quality, quantity, substance, character, nature, origin, size, material, content, composition, coloring, preparation, or manufacture of such products, is an unfair trade practice.

RULE 9. Defamation of competitors and disparagement of their products.—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice.

RULE 10. Failure to brand industry products.—In the sale, offering for sale or shipment of industry products, the failure to brand, mark, or identify such products so as to disclose their true character, where such failure has the tendency, capacity, or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

RULE 11. Selling below cost.—The practice of selling industry products below the seller's cost, with the intent and with the effect of injuring a competitor and where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably restrain trade, is an unfair trade practice; all elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this rule.

RULE 12. Imitation or simulation of trade-marks, etc.—The imitation or simulation of the trade-marks, trade names, labels, or brands of competitors with the

purpose or with the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

RULE 13. Publication or circulation of false or misleading price quotations, etc.—The publishing or circulating, by any member of the industry, of false or misleading price quotations, price lists, or terms of sale, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

RULE 14. False invoicing.—Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the purpose or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

RULE 15. (a) Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.—It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential,² where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,³ and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,⁴ or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery re-

sulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce⁵ from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.*—It is an unfair trade practice for any member of the industry engaged in commerce,⁶ in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.*—It is an unfair trade practice for any member of the industry engaged in commerce⁷ to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.*—It is an unfair trade practice for any member of the industry engaged in commerce⁸ to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Illegal price discrimination.*—It is an unfair trade practice for any member of the industry or other person engaged in commerce,⁹ in the course of such commerce, to discriminate in price in any other respect contrary to Section 2 of the Clayton Act as amended by the Act of Congress approved June 19, 1936 (Public No. 692, 74th Congress), or knowingly to induce or receive a discrimination in price which is prohibited by such section as amended.

A Committee on trade practices is hereby created by the industry to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

Entered July 5, 1938.

[F. R. Doc. 38-1940; Filed, July 7, 1938;
2:15 p. m.]

TITLE 20—FISH AND GAME

BUREAU OF BIOLOGICAL SURVEY

ORDER PERMITTING FISHING ON TAMARAC MIGRATORY WATERFOWL REFUGE, MIN- NESOTA

Pursuant to regulations 2 and 3 of the regulations of the Secretary of Agriculture of November 23, 1937,¹ governing the administration of National wildlife refuges under the jurisdiction of the Bureau of Biological Survey, and in accordance with the provisions of said regulations, it is hereby ordered, until further notice, that fish may be taken from June 1 to September 30, both dates inclusive, for noncommercial purposes in the Tamarac Migratory Waterfowl Refuge, Minnesota, as established by Executive Order No. 7902, dated May 31, 1938, subject to the following conditions and restrictions:

1. *Waters open to fishing.*—All waters of the Refuge, except as hereinafter provided, are hereby designated as areas open to hook and line fishing as defined by State law. Fishing is prohibited in the following described waters: That portion of Big Egg Lake northerly of the south one-sixteenth line of Section 3, T. 141 N., R. 39 W.; That portion of Two Island Lake lying westerly of the west one-sixteenth line of Sections 9 and 16 respectively, T. 141 N., R. 39 W.; That portion of Waboose Lake lying westerly of the west one-sixteenth line of Section 14, T. 141 N., R. 39 W.; That portion of Carmen Lake lying in Section 16, T. 141 N., R. 39 W.

2. *State fishing laws.*—Every person who fishes in any of the aforesaid waters under the aforesaid conditions must comply with the applicable fishing laws and regulations of the State of Minnesota, and in the absence of any State law or regulation in respect to number and size

¹ 2 F. R. 2537 (2951 DI).

¹ Paragraph (a) of Rule 15 shall not be construed as embracing practices prohibited by Paragraphs (b), (c), and (d) of this rule.

² As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States; *Provided*, That this shall not apply to the Philippine Islands.

of fish that may be taken, the Chief of the Bureau of Biological Survey of the United States Department of Agriculture may fix such limits; and in the event he shall find that fishing in any of the aforesaid waters is unduly depleting any species of fishes therein, he may suspend the privilege of fishing in such waters pending final determination by the Secretary of Agriculture.

3. *Fishing permits.*—Any person exercising the privilege of fishing within the Refuge shall be in possession of a valid State fishing license issued by the State of Minnesota, if such license is required, and shall carry such license on his person while fishing, and when requested to do so shall exhibit the license to any representative of the Minnesota State Conservation Commission authorized to enforce the game and fish laws of the State, or to any representative of the Bureau of Biological Survey; Provided, that fishing shall be done in such manner as will not interfere with the objects for which the Refuge was established.

4. *Routes of travel.*—Persons entering the Refuge for the purpose of reaching waters thereof open to fishing shall follow such routes of travel as shall from time to time be designated by the officer in charge of the Refuge and shall not enter upon any other portion of the Refuge other than said open waters and areas immediately adjacent thereto.

5. *Special fishing restrictions.*—No seine, trap, or net shall be employed to take minnows, frogs, crawfish, or other aquatic animals for bait and neither shall minnows, frogs, crawfish, or other aquatic animals be used for bait in any of the waters of the Refuge.

6. *Use of motor boats.*—Motor boats, both inboard and outboard, will not be permitted on any of the waters of the Refuge except for administrative purposes by employees of the Department of Agriculture and of the Minnesota State Conservation Commission.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the City of Washington this 8th day of July, 1938.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1945; Filed, July 8, 1938;
11:52 a. m.]

TITLE 25—INDIANS OFFICE OF INDIAN AFFAIRS

RULES AND REGULATIONS FOR THE ADMIS- SION OF PATIENTS INTO INDIAN SERVICE HOSPITALS IN ALASKA

JUNE 13, 1938.

1. Indian Service hospitals in Alaska are maintained and operated primarily for the benefit of Indians, Eskimos, and Aleuts, who are wards of the Federal Government.

2. Due to great distances between villages in Alaska, and the lack at many places of any hospital other than an Indian Service hospital, it is recognized that in emergencies, and where no other hospital facilities are available, the dictates of humanity require that persons other than Indians, Eskimos, and Aleuts be received into Indian Service hospitals for treatment.

3. Under regulations which have been in force to date, the charge for hospitalization of non-beneficiaries has been fixed at \$2.00 a day. As a result of this low rate, admissions of non-beneficiaries to Indian Service hospitals in Alaska have been increasing rapidly. The rate of \$2.00 a day is not sufficient to cover the actual cost of service rendered.

4. As promptly as possible there shall be put into effect in all Indian Service hospitals in Alaska a rate of \$5.00 a day to be charged to all non-beneficiaries for hospitalization. In addition to this per diem rate for hospitalization, the Indian Office schedule of fees for medical treatment shall be in effect in Alaska, and collections should be made from non-beneficiaries in accordance with such schedule.

5. Employees of the Indian Service and their families shall be charged a rate of \$3.50 a day for hospitalization in Indian Service hospitals, but shall not be required to pay any fees for medical treatment such as are required of other non-beneficiaries.

6. Charge shall be made for the date of admission, but no charge shall be made for the date of discharge.

7. The present rate of 75¢ a day which is charged to all beneficiaries who are able to pay for hospitalization will be continued.

[SEAL] WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner.

Approved, June 17, 1938.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 38-1941; Filed, July 8, 1938;
9:47 a. m.]

TITLE 45—SECURITIES AND EXCHANGES SECURITIES AND EXCHANGE COMMISSION

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

REPEAL OF RULE U-12(I)-1 AND ADOPTION OF NEW RULE U-12(I)-1 AND FORMS U-12(I)-A AND U-12(I)-B

Acting pursuant to the authority conferred on it by Sections 12 (i) and 20 (a) of the Public Utility Holding Company Act of 1935, the Securities and Exchange Commission deems it necessary and appropriate to carry out the provisions of said Act, to repeal, and does hereby repeal the rule known as "Rule U-12(I)-1 (Sec. 15. U-12(I)-1): Statements under

Section 12 (i)."¹ This repeal shall be effective on and after August 1, 1938.

Acting pursuant to the authority conferred on it by Sections 12 (i) and 20 (a) of the Public Utility Holding Company Act of 1935, the Securities and Exchange Commission deems it necessary and appropriate in the public interest and for the protection of investors and consumers and to carry out the provisions of said Act, to adopt, and does hereby adopt a rule which shall be known as Rule U-12(I)-1 and shall read as follows:

Sec. 15. U-12(I)-1 (Rule U-12(I)-1). *Statements to be filed pursuant to Section 12 (i).*—(a) Any person employed or retained by any registered holding company or any subsidiary thereof who presents, advocates, or opposes any matter affecting any registered holding company or any subsidiary thereof, before the Congress or any member or committee thereof, or before the Commission or Federal Power Commission, or any member, officer or employee of either such commission, shall file with the Commission within ten days after the date of such activity a statement on Form U-12(I)-A (Sec. 17. U-12(I)-A)² containing the information specified in said form and the instructions relating thereto, subject, however, to the exception provided in paragraph (b) hereof.

(b) Any person regularly employed or retained by a registered holding company or subsidiary thereof on a weekly, monthly, annual, or similar basis, for compensation fixed and paid on a regular periodic basis, may file with the Commission an annual statement on Form U-12(I)-B (Sec. 17. U-12(I)-B)³ containing the information specified in said form and the instructions relating thereto. Any such person who has on file a current annual statement on Form U-12(I)-B (Sec. 17. U-12(I)-B) shall not be required to file a statement on Form U-12(I)-A (Sec. 17. U-12(I)-A) pursuant to paragraph (a) hereof during the remainder of the calendar year to which such annual statement relates except as to activities not described in said annual statement or for which additional compensation is to be received or activities on behalf of persons other than those designated in Item 3 of said annual statement.

(c) The Commission may by order require any person who has on file an annual statement under paragraph (b) hereof to file statements pursuant to paragraph (a), and may, regardless of the provisions of this Rule, require that any person subject to this rule file a statement of the subject matter in re-

¹ C. 687, sec. 12, 49 Stat. 823; 15 U. S. C. Sup. III, 791.

² C. 687, sec. 12, 49 Stat. 823; 15 U. S. C., Sup. III, 791; C. 687, sec. 20, 49 Stat. 833; 15 U. S. C., Sup. III, 791 (Form U-12(I)-A, adopted August 1, 1938).

³ C. 687, sec. 12, 49 Stat. 823; 15 U. S. C., Sup. III, 791; C. 687, sec. 20, 49 Stat. 833; 15 U. S. C., Sup. III, 791 (Form U-12(I)-B, adopted August 1, 1938).

spect of which such person is retained or employed, the nature and character of such retainer or employment, and the amount of compensation received or to be received in connection therewith, in such form and detail as the Commission shall by order prescribe.

(d) The provisions of this rule shall be applicable to activities occurring on or after August 1, 1938. (C. 687, sec. 12, 49 Stat. 823; 15 U. S. C., Sup. III, 791; c. 687, sec. 20, 49 Stat. 833; 15 U. S. C., Sup. III, 791) (Rules and Regs., Rule U-12(I)-1, effective August 1, 1938).

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1965; Filed, July 8, 1938;
12:47 p. m.]

Notices

DEPARTMENT OF COMMERCE.

Bureau of Air Commerce.

SPECIAL AIR TRAFFIC RULE

MARIETTA, OHIO; LATONIA, KY.; OKLAHOMA CITY, OKLA.; AND AMARILLO, TEX.

Pursuant to Section 3 (e) of the Air Commerce Act of 1926, as amended, (44 Stat. 568) the following Special Air Traffic Rules are promulgated regarding the navigation and operation of aircraft over and in the vicinity of the cities of Marietta, Ohio; Latonia, Kentucky; Oklahoma City, Oklahoma; and Amarillo, Texas, during the visit of the President of the United States to each of such cities on the dates and between the hours hereinafter named:

No aircraft shall be navigated or operated at any altitude above that area lying within a radius of two miles on the horizontal plane from the center of Washington County Courthouse in the City of Marietta, State of Ohio, between the hours of 8 o'clock A. M. and 11 o'clock A. M. on July 8, 1938; the center of Latonia Race Track near the City of Covington, County of Kenton, State of Kentucky, between the hours of 1 o'clock P. M. and 4 o'clock P. M. on July 8, 1938; the center of Oklahoma State Fair Grounds near the City of Oklahoma City, County of Oklahoma, State of Oklahoma, between the hours of 4 o'clock P. M. and 7 o'clock P. M. on July 9, 1938; and the center of Ellwood Park in the City of Amarillo, County of Potter, State of Texas, between the hours of 6 o'clock P. M. and 9 o'clock P. M. on July 11, 1938, unless special permission for such flight be granted by the local Aeronautical Inspector of the Bureau of Air Commerce, Department of Commerce, temporarily stationed at the particular city involved.

Approved, July 7, 1938.

[SEAL] SOUTH TRIMBLE, JR.,
Acting Secretary of Commerce.

[F. R. Doc. 38-1944; Filed, July 8, 1938;
11:46 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 7th day of July, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Preer.

[File No. 21-329]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE INFANTS' AND CHILDREN'S KNITTED OUTERWEAR INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Infants' and Children's Knitted Outerwear Industry to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of any such views should be filed with the Commission not later than July 26, 1938. Opportunity for oral hearing also will be afforded at 10 a. m., July 26, 1938, in Room 332, Federal Trade Commission Building, Constitution Avenue at 6th Street, Washington, D. C., to any such persons as may desire to appear and be heard. After giving due consideration to such views, suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1942; Filed, July 8, 1938;
10:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 6th day of July, 1938.

[File No. 1-132]

IN THE MATTER OF NEW YORK DOCK COMPANY 5% SERIAL GOLD NOTES, SERIES DUE 1938 (DUE APRIL 1, 1938)

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the 5% Serial Gold Notes, Series due 1938 (Due April 1, 1938), of New York Dock Company; and After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 16, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1961; Filed, July 8, 1938;
12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July 1938.

[File No. 1-264]

IN THE MATTER OF THE FEDERAL KNITTING MILLS COMPANY COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Federal Knitting Mills Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its Common Stock, No Par Value, from listing and registration on the Cleveland Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 16, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1962; Filed, July 8, 1938;
12:46 p. m.]

*3 F. R. 1147 DL.
*3 F. R. 1064 DL.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July 1938.

[File No. 1-419]

IN THE MATTER OF COMO MINES COMPANY CAPITAL STOCK, \$1 PAR VALUE**ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION**

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Capital Stock, \$1 Par Value, of Como Mines Company; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 16, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1963; Filed, July 8, 1938;
12:47 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, 1938.

[File No. 1-856]

IN THE MATTER OF CANAL CONSTRUCTION COMPANY CONVERTIBLE PREFERENCE STOCK, NO PAR VALUE**ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION**

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Convertible Preference Stock, No Par Value, of Canal Construction Company; and

After appropriate notice,² a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective

¹ 3 F. R. 1065 DI.

² 3 F. R. 1002 DI.

at the close of the trading session on July 16, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1964; Filed, July 8, 1938;
12:47 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July 1938.

[File No. 1-1301]

IN THE MATTER OF PIERCE OIL CORPORATION COMMON STOCK, \$25 PAR VALUE**ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION**

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, \$25 Par Value, of Pierce Oil Corporation; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 16, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1960; Filed, July 8, 1938;
12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July 1938.

[File No. 1-2797]

IN THE MATTER OF PRODUCERS CORPORATION 6% CUMULATIVE CONVERTIBLE PREFERRED STOCK, \$10 PAR VALUE**ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION**

Producers Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its 6% Cumulative Convertible Preferred Stock, \$10 Par Value, from listing and registration of the Board of Trade of the City of Chicago; and

¹ 3 F. R. 1064 DI.

The Commission having considered said application together with the facts relating thereto, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 16, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1959; Filed, July 8, 1938;
12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of July 1938.

[File No. 1-1284]

IN THE MATTER OF CONSOLIDATED TEXTILE CORPORATION CAPITAL STOCK, NO PAR VALUE**ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION**

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Capital Stock, No Par Value, of Consolidated Textile Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 A. M. on Thursday, July 21, 1938, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1954; Filed, July 8, 1938;
12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 7th day of July 1938.

[File No. 7-238]

IN THE MATTER OF APPALACHIAN ELECTRIC POWER COMPANY FIRST MORTGAGE BONDS 4% SERIES DUE FEBRUARY 1, 1963

ORDER DIRECTING HEARING

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the First Mortgage Bonds 4% Series due Feb. 1, 1963, of Appalachian Electric Power Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, That the matter be set down for hearing at 10:00 A. M. on Tuesday, July 26, 1938, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1951; Filed, July 8, 1938;
12:44 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of July 1938.

[File No. 7-239]

IN THE MATTER OF APPALACHIAN ELECTRIC POWER COMPANY SINKING FUND DEBENTURES 4½% SERIES DUE FEBRUARY 1, 1948

ORDER DIRECTING HEARING

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for

extension of unlisted trading privileges to the Sinking Fund Debentures 4½% Series due Feb. 1, 1948, of Appalachian Electric Power Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, That the matter be set down for hearing at 10:00 A. M. on Tuesday, July 26, 1938, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1950; Filed, July 8, 1938;
12:44 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 7th day of July 1938.

[File No. 7-240]

IN THE MATTER OF ASSOCIATED ELECTRIC COMPANY 5% GOLD BONDS DUE JANUARY 1, 1961

ORDER DIRECTING HEARING

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended, for extension of unlisted trading privileges to the 5% Gold Bonds due Jan. 1, 1961 of Associated Electric Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, That the matter be set down for hearing at 10:00 A. M. on Tuesday, July 26, 1938, in Room 1102 Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1953; Filed, July 8, 1938;
12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of July, 1938.

[File No. 7-241]

IN THE MATTER OF IDAHO POWER COMPANY FIRST MORTGAGE BONDS, 3¾% SERIES DUE OCTOBER 1, 1967

ORDER DIRECTING HEARING

The New York Curb Exchange having made application to the Commission pursuant to Rule JF1 under the Securities Exchange Act of 1934, as amended for extension of unlisted trading privileges to the First Mortgage Bonds, 3¾% Series due October 1, 1967 of Idaho Power Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, That the matter be set down for hearing at 10:00 A. M. on Tuesday, July 26, 1938, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1949; Filed, July 8, 1938;
12:44 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 7th day of July 1938.

[File No. 7-243]

IN THE MATTER OF PROVIDENCE GAS COMPANY COMMON STOCK, WITHOUT PAR VALUE**ORDER DIRECTING HEARING**

Providence Gas Company, having made application to the Commission pursuant to Rule JF3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges on the New York Curb Exchange in the Common Stock, Without Par Value, of Providence Gas Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

It is ordered, That the matter be set down for hearing at 10:00 A. M. on Wednesday, July 27, 1938, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1952; Filed, July 8, 1938;
12:44 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1938.

[File No. 32-96]

IN THE MATTER OF WISCONSIN PUBLIC SERVICE CORPORATION**NOTICE OF AND ORDER FOR HEARING**

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered That a hearing on such matter be held on July 26, 1938, at 10

o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 21, 1938.

The matter concerned herewith is in regard to an application by Wisconsin Public Service Corporation, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issuance and sale of \$2,500,000 principal amount of Applicant's First Mortgage Bonds, 4% Series due 1963, said issuance and sale having been approved by the Wisconsin Public Service Commission in its order 2-SB-102, dated June 21, 1938.

The proceeds of the sale of the bonds would be used for permanent additions to property and plant of the Applicant, or liquidation of short-term indebtedness incurred or reimbursement of the treasury for expenditures already made for such purpose.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1958; Filed, July 8, 1938;
12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1938.

[File No. 46-103]

IN THE MATTER OF GENERAL PUBLIC UTILITIES, INC.**NOTICE OF AND ORDER FOR HEARING**

An application pursuant to section 10 (a) (1) of the Public Utility Holding

Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on July 25, 1938, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 20, 1938.

The matter concerned herewith is in regard to an application filed by General Public Utilities, Inc., requesting the approval of the acquisition by it of the following securities to be issued and sold by The Dakota Power Company:

(1) General Mortgage 7% Gold Bonds in the face amount of \$250,000, the proceeds of which, together with an amount contributed by The Dakota Power Company, are to be used to retire the First Mortgage 6% Gold Bonds, due September 1, 1938;

(2) Fixed and Cumulative Income Notes in the face amount of \$469,229.10 (with fixed interest at the rate of 2% per annum with an additional 3% per annum to the extent earned by The Dakota Power Company) which are to fund or refund certain obligations which The Dakota Power Company now has outstanding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1956; Filed, July 8, 1938;
12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1938.

[File No. 43-132]

IN THE MATTER OF DAKOTA POWER
COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on July 25, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 20, 1938.

The matter concerned herewith is in regard to declaration filed by the Dakota Power Company pursuant to Section 7, Public Utility Holding Company Act of 1935, in regard to the issue and sale to General Public Utilities, Inc. of \$250,000 of General Mortgage 7% Gold Bonds, the proceeds of which are to be used to retire on September 1, 1938 (together with certain funds to be contributed by the declarant), \$256,250 principal amount of First Mortgage 6% Bonds due September 1, 1938; and for the issue and sale by the declarant to General Public Utilities, Inc. of \$469,229.10, face amount of Fixed and Cumulative Income Notes (with fixed interest at the rate of 2% per annum, with an additional 3% per

annum to the extent earned by the declarant), the proceeds of which are to be used to fund (or to refund) the following obligations of the declarant:

(1) Obligations with respect to conditional sale agreements in face amount of \$111,500, which agreements were originally made to facilitate the purchase by the declarant of certain machinery and equipment.

(2) Unsecured notes due April 1, 1956, in a face amount of \$337,000, bearing interest at the rate of 7% per annum, which the declarant states were issued for advances by General Public Utilities, Inc. and which have not been repaid in whole or in part.

(3) An unsecured promissory note of the declarant in the principal amount of \$20,729.10, dated September 28, 1937, and payable September 15, 1938, with interest at 6% per annum, which note was issued in payment of cumulative dividends on the Preferred Stock of the declarant.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,

Secretary.

[P. R. Doc. 38-1957; Filed, July 8, 1938;
12:45 p. m.]United States of America—Before the
Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1938.

[File No. 43-136]

IN THE MATTER OF WEST PENN POWER
COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on July 22, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers

of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 18, 1938.

The matter concerned herewith is in regard to an issue and sale by declarant, a subsidiary company of American Water Works and Electric Company, Incorporated, a registered holding company, of \$17,000,000 principal amount of its First Mortgage Bonds, Series J, 3¼%, due August 1, 1968, such issue and sale to be privately to a limited number of purchasers. It is stated that the price will be approximately 104.9 plus accrued interest from August 1, 1938 to the date of delivery. It is further represented that the purposes for which the bonds covered by this declaration are to be issued are as follows:

(a) To redeem and refund \$10,000,000 principal amount of First Mortgage Bonds, Series H, 4%, due July 1, 1961, of the declarant which are presently outstanding;

(b) To pay and discharge bank loans aggregating \$5,300,000 heretofore made by the declarant from various banks for the acquisition or construction of improvements, betterments and additions to the plant and property of the declarant or to reimburse its treasury in part for expenditures made for such purposes; and

(c) To provide for expenditures made or to be made subsequent to June 30, 1938 for the acquisition, construction or completion of improvements, additions and betterments to the plant and property of the declarant.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,

Secretary.

[P. R. Doc. 38-1955; Filed, July 8, 1938;
12:45 p. m.]